



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
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EI-1470  
CC

Mitchell E. Daniels, Jr., Governor  
Kyle J. Hupfer, Director



April 18, 2005

John Broadley  
John H. Broadley & Associates  
1054 Thirty-First Street, NW  
Washington, D.C. 20007

Federal Agency: Surface Transportation Board ("STB")

Re: General information concerning the Indiana Rail Road Company's abandonment of a 2.44 mile section, between mileposts Q216.13 and Q213.69, of its Ellettsville Branch (Docket #AB 295 [Sub-no. 6X])

Dear Mr. Broadley:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated February 23, 2005, and received on February 25, 2005, for the above indicated project in Richland Township, Monroe County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

Be advised that if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In the event that artifacts or features are discovered during the implementation of the Federally assisted project, activity, or program and a plan has not been developed, it is the Federal agency's responsibility to make reasonable efforts to avoid, minimize or mitigate adverse effects in accordance with 36 C.F.R. § 800.13.

In regard to buildings and structures, we have identified the Samuel Harbison Farm at 5330 Woodyard Road (Site #105-055-15028 per the *Monroe County Interim Report*) and James Bratney House at 5070 Woodyard Road (Site #105-055-15039) within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register.

However, based on the information provided to our office, we believe that there will not be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (see 36 C.F.R. § 800.16[i]).

Upon completing its own identification and evaluation efforts, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

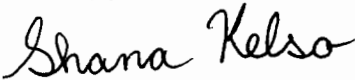
- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

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We look forward to receiving notice of the STB's findings. *A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference.* If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Dr. Rick Jones or Cathy Draeger. Questions about historic buildings or structures pertaining to this project should be directed to Shana Kelso.

Be advised that John R. Goss no longer holds the title of Indiana SHPO. As of February 21, 2005, Kyle J. Hupfer, who was appointed by the Governor Daniels, became the new Indiana SHPO.

Very truly yours,



for: Jon C. Smith  
Deputy State Historic Preservation Officer

JCS:CLD:JRJ:SNK:snk

cc: ~~David C. Navecky~~, Surface Transportation Board